

KAUA'I PLANNING COMMISSION
REGULAR MEETING
July 24, 2018

The regular meeting of the Planning Commission of the County of Kaua'i was called to order by Chair Apisa at 9:00 a.m., at the Līhu'e Civic Center, Mo'ikeha Building, in meeting room 2A-2B. The following Commissioners were present:

Chair Donna Apisa
Vice Chair Glenda Nogami Streufert
Mr. Roy Ho
Mr. Kimo Keawe
Mr. Sean Mahoney

Absent and Excused:
Ms. Kanoe Ahuna

The following staff members were present: Planning Department – Director Michael Dahilig, Chance Bukoski, Jody Galinato, Shanlee Jimenez; Office of the County Attorney – Deputy County Attorney Jodi Higuchi Sayegusa; Office of Boards and Commissions – Administrator Nicholas R. Courson (*entered at 9:26 a.m.*), Commission Support Clerk Darcie Agaran

Discussion of the meeting, in effect, ensued:

CALL TO ORDER

Chair Apisa called the meeting to order at 9:00 a.m.

ROLL CALL

Planning Director Michael Dahilig: Commissioner Ahuna. Commissioner Ho.

Mr. Ho: Here.

Mr. Dahilig: Vice Chair Streufert.

Ms. Nogami Streufert: Here.

Mr. Dahilig: Commissioner Mahoney.

Mr. Mahoney: Here.

Mr. Dahilig: Commissioner Keawe.

Mr. Keawe: Here.

Mr. Dahilig: Chair Apisa.

Chair Apisa: Here.

Mr. Dahilig: Madame Chair, you have five members present this morning.

APPROVAL OF AGENDA

Mr. Dahilig: The Department would recommend, under Item C, that the Commission approve the agenda as is this morning.

Ms. Nogami Streufert: I move to approve the agenda as written.

Mr. Keawe: Second.

Chair Apisa: All in favor? (Unanimous voice vote) Any opposed? (None) Motion carried 5:0.

Mr. Dahilig: Thank you, Madame Chair.

MINUTES of the meeting(s) of the Planning Commission

Meeting of June 26, 2018

Mr. Dahilig: We are on Item D. This is the minutes of the June 26, 2018, Planning Commission meeting for your approval.

Mr. Keawe: Move to approve the minutes of the June 26, 2018, meeting.

Mr. Mahoney: Second.

Chair Apisa: All in favor? (Unanimous voice vote) Any opposed? (None) Motion carried 5:0.

Mr. Dahilig: Thank you, Madame Chair.

RECEIPT OF ITEMS FOR THE RECORD

Mr. Dahilig: We are on Item E. This is receipt of items for the record. We do have a supplemental item that was circulated, which is a letter, July 24, 2018, on the Class IV Zoning Permit Z-IV-2018-9 and Use Permit U-2018-8 from Les (Inaudible) in support of the application. Other than that, the Department would recommend receiving this for the record.

Mr. Mahoney: Chair, move to receive this item for the record.

Mr. Keawe: Second.

Chair Apisa: All in favor? (Unanimous voice vote) Any opposed? (None) Motion carried 5:0. Item is received for the record.

Mr. Dahilig: Thank you, Madame Chair.

HEARINGS AND PUBLIC COMMENT

Mr. Dahilig: We are on Item F. This is the hearings and public comment period.

Continued Agency Hearing

Mr. Dahilig: We have no continued agency hearings under Item F.1.

New Agency Hearing

Class IV Zoning Permit Z-IV-2018-9, Use Permit U-2018-8 and Special Permit SP-2018-4 to allow operation of a small engine repair facility on a parcel along the western side of Kawaihau Road in Kapahi, further identified as 5859 Kawaihau Road, Tax Map Key: (4) 4-6-011:061, and affecting a portion of a parcel containing 43,560 sq. ft. = Spencer Aguiar dba S & S Speed Shop. [Director's Report received by Commission Clerk 7/10/18.]

Mr. Dahilig: Item F.2. – we do have a new agency hearing. This is for Class IV Zoning Permit Z-IV-2018-9, Use Permit U-2018-8, and Special Permit SP-2018-4. This is to allow the operation of a small engine repair facility on a parcel along the western side of Kawaihau Road in Kapahi, further identified as 5859 Kawaihau Road, Tax Map Key: (4) 4-6-011 Parcel 061, and affecting a portion of a parcel containing 43,560 square feet. The applicant is Spencer Aguiar, doing business as S & S Speed Shop. There was a Director's Report that was received by the Commission Clerk under commission authority on 7/10/18.

Madame Chair, the Department would recommend opening this agency hearing at this time.

Chair Apisa: We will open the agency hearing.

Mr. Dahilig: Madame Chair, we do not have anybody signed up to testify at this agency hearing. The Department would recommend making a final call for any of those that would wish to testify for this particular hearing and close the agency hearing at this time.

Chair Apisa: Is there anyone here wishing to testify on this new agency hearing? Seeing none, a motion to close the...

Ms. Nogami Streufert: I move to close the open hearing.

Mr. Mahoney: Second.

Chair Apisa: All in favor? (Unanimous voice vote) Any opposed? (None) Motion carried 5:0.

Mr. Dahilig: Thank you, Madame Chair.

Class IV Zoning Permit Z-IV-2018-10 and Variance Permit V-2018-3 to deviate from the requirement to provide curbs, gutter, and sidewalks for a subdivision with the Residential (R-4) zoning district, as prescribed by Section 9-2.3(e) of the Kaua'i County Code (1987) as amended, involving a parcel situated on the southern side of Kūhiō Highway in Hanamā'ulu Town, approx. 350 ft. west of the Laukona Street/Kūhiō Highway intersection and immediately adjacent to property identified as 4485 Laukona Street, Tax Map Key: (4) 3-7-006:097, and affecting a total area of 82,880 sq. ft. = Neil B. & Desiree A. Fagarang. [Director's Report received by Commission Clerk 7/10/18.]

Mr. Dahilig: We are on Item F.2. This is the New Agency Hearing again, under F.2.b. – Class IV Zoning Permit Z-IV-2018-10 and Variance Permit V-2018-3. This is to deviate from the requirements to provide curbs, gutters, and sidewalks for a subdivision within the R-4 Zoning District as prescribed pursuant to Section 9-2.3(e) of the Kaua'i County Code 1987, as amended, involving a parcel situated along the southern side of Kūhiō Highway in Hanamā'ulu, approximately 350 feet west of the Laukona Street/Kūhiō Highway intersection and immediately adjacent to the property identified as 4485 Laukona Street, Tax Map Key: (4) 3-7-006 Parcel 097, and affecting a total area of 82,880 square feet. The applicants are Neil B. and Desiree A. Fagarang. There is a Director's Report received by the Commission Clerk under authority on 7/10/2018.

At this time, the Department would recommend opening the agency hearing for this matter.

Chair Apisa: We will open this new agency hearing.

Mr. Dahilig: Madame Chair, the Department does not have anybody signed up to testify at this agency hearing. Given that there's no one to testify for this, the Department would recommend making a final call for any persons that wish to testify and close the agency hearing at this time.

Chair Apisa: Is there anyone here wishing to testify? Seeing none, a motion to close–

Mr. Mahoney: Chair, move to close the agency hearing.

Mr. Keawe: Second.

Chair Apisa: All in favor? (Unanimous voice vote) Any opposed? (None) Motion carried 5:0.

Mr. Dahilig: Thank you, Madame Chair.

Continued Public Hearing

New Public Hearing

All remaining public testimony pursuant to HRS 92 (Sunshine Law)

CONSENT CALENDAR

Status Reports

Director's Report(s) for Project(s) Scheduled for Agency Hearing.

Mr. Dahilig: Under Item G, the Consent Calendar, we do not have any Status Reports or any Director's Reports or projects scheduled for agency hearing, which will move us on to Item H.

EXECUTIVE SESSION

Mr. Dahilig: This is Executive Session. There is no executive session scheduled for today's meeting.

GENERAL BUSINESS MATTERS

Clarification of the Clerk of the Commission's Authority to Refer the Appeal of the Planning Director's Decision Related to the Forfeiture of Non-Conforming Use Certificate TVNCU #4235, Elizabeth and Stephen Rigotti (Hale Hoku) for Failure to Timely Renew, Tax Map Key (4) 58008045, Hanalei, Kaua'i, received on May 18, 2018 via email (Contested Case Hearing No. CC-2018-3) to the Office of Boards and Commissions to Procure and Appoint a Hearings Officer on Behalf of the Planning Commission for the Instant Appeal. [6/26/18]

Clarification of the Clerk of the Commission's Authority to Refer the Appeal of the Planning Director's Decision Related to the Planning Director's Notice of Violation & Order to Pay Fines for the continued operation of an unpermitted homestay, Steven and Eddi Henry, Tax Map Key (4) 49011038, Moloa'a, Kaua'i, received on June 1, 2018 via email (Contested Case Hearing No. CC-2018-4) to the Office of Boards and Commissions to Procure and Appoint a Hearings Officer on Behalf of the Planning Commission for the Instant Appeal. [6/26/18]

Mr. Dahilig: Item I – this is General Business Matters. Item I.1....and I would actually suggest, maybe, taking Items I.1. and (I.)2. together, Madame Chair, and this is regarding clarification of the Clerk's authority to refer (the) appeal of the Planning Director's decision related to the forfeiture of Non-Conforming Use Certificate TVNCU #4235 at Tax Map Key (4) 58008045, as well as, I guess, a matter relating to a violation and Order to Pay Fines for Steven and Eddi

Henry under Tax Map Key (4) 49011038 in Moloa'a. These are both requests to procure and appoint a Hearings Officer on behalf of the Planning Commission for the appeals.

Chair Apisa: So do we need a motion to consolidate?

Mr. Dahilig: Madame Chair, I guess under these...not necessarily for consolidation, just to refer both of these matters.

Chair Apisa: Do we need a motion?

Mr. Dahilig: I guess it's our recommendation that the Commission does refer these over to the Commission Clerk to appoint the Hearings Officer.

Chair Apisa: I guess we would require a motion, then, to refer these to the Hearings Officer.

Deputy County Attorney Jodi Higuchi Sayegusa: Just to further clarify, again, I think these matters were on a previous Commission agenda and it was previously provided...you folks previously provided the Clerk the authority to procure and appoint a Hearings Officer, but now the Office of Boards and Commissions will be handling procuring and contracting with Hearings Officers for all of the Boards and Commissions' needs. So should there ever be a contested case needed across the board for any boards and commissions, including the Planning Commission, the (Office of) Boards and Commissions will be the one to undergo the procuring and hiring of that. So this is just a clarification because previously you folks directed the Clerk of the Commission to do the procuring and appointing. So instead, it's just to clarify and request you folks to provide the Clerk the authority to transfer these cases for the Contested Case to the Office of Boards and Commissions.

Ms. Nogami Streufert: May I ask a question? This Steven and Eddi Henry case – hasn't that already been submitted to Mr. Kimura earlier?

Ms. Higuchi Sayegusa: I do not believe so. Oh, Chair, it is up to you if you wanted to clarify.

Mr. Barry Edwards: I represent Mr. and Mrs. Henry.

Chair Apisa: Sure, go ahead.

Mr. Edwards: I realize it may sound...and it is confusing, but--

Chair Apisa: Oh, if you could just state your name for the record.

Mr. Edwards: Oh, I'm sorry. I am Barry Edwards. I am here on behalf of Steven and Eddi Henry, who are the people that are involved with Item (I).2. that Mr. Dahilig was just describing.

They are scheduled to have a contested case on August 20th; that is scheduled with Nadine Ando. Ms. Ando...we all agreed to have her go ahead and have the Contested Case. I know there are

other people that are on appeal and that disqualification matter which occurred sometime ago; I think that's where you remember it.

Ms. Nogami Streufert: Right, the 12 or 13.

Mr. Edwards: Right. We pulled out of that.

Ms. Nogami Streufert: I see.

Mr. Edwards: And we decided to move forward and have the Contested Case with Ms. Ando. After that was scheduled and everybody's getting ready for the Contested Case, this new matter came out from the Planning Department and we appealed it, and the Planning Department agreed that it should be referred to a Hearings Officer. We also agreed with the County Attorney's Office by stipulation – and I believe that was filed with you folks, I know that you received a copy of it – that this appeal go to Ms. Ando because it's part and parcel of the same basic contested issues. So that's what's happening, and I hope that answers your question.

Ms. Nogami Streufert: So the Contested Case is before Judge Ando or–

Mr. Edwards: Before Hearing Officer Ando. It is scheduled to begin the week of August 20th and we've stipulated with the County Attorney's Office to have this particular appeal on Item (I.)2. also sent to Ms. Ando. I don't know how that affects the new procedure that you are talking about, but that's where we are.

Ms. Higuchi Sayegusa: Okay.

Mr. Edwards: Is that–

Ms. Higuchi Sayegusa: Suffice it to say, I guess the clarification for you folks is to empower the Clerk to refer the matter to...I guess, by stipulation, the parties are both...is that correct, the Department's attorney?

Mr. Edwards: This is Sinclair.

Deputy County Attorney Sinclair Salas-Ferguson: Deputy County Attorney Sinclair Salas-Ferguson. For the Henry case, the County, as was just said, we agreed that it would make sense to have both the Henry appeals with the same Hearings Officer, and there is no issue of a conflict with the Planning Department and the Planning Commission in these specific cases.

Ms. Higuchi Sayegusa: Okay. So perhaps it's clearer to take Item I.1. separately from I.2. and go from there. Again, I guess (Item) I.1. would be to clarify and empower the Clerk to refer the matter to the Office of Boards and Commissions, and then Item I.2. would be to...pursuant to the stipulation of the parties, for this matter to be consolidated with the Contested Case that's already underway before Hearing Officer Nadine Ando.

Mr. Dahilig: Commissioners, just for a little bit more clarification, we are undergoing a bit of a transition period just because, as you are aware, in previous Contested Case Hearings there has been a concern about the level of administrative oversight that my office – even though we are firewalled – has over the contracts and the payment for the Hearings Officer because it comes out of the Commission's budget and the Commission's budget ultimately falls under our department for utilization.

What's happened in this past budget cycle is that the money for your Hearings Officer has been pushed over to the Office of Boards and Commissions. However, there are still contracts that remain...that are with our department for management of those contracts for which there are cases that are still ongoing. So as the Deputy County Attorney is mentioning under Item I.2., for efficiency purposes and a stipulation – and as much as there is a request for it not to go to the Hearings Officer – what they are asking for is for it to actually be consolidated with a case that's in a contract currently under management with our firewalled portion of the office; whereas the first one, that one would steer over to this new procedure.

So we are in a bit of a transition period right now. We are just trying to make clear that any appearance, or even suggested appearance, of conflict is absolved by the Boards and Commissions Office handling the financial matters related to the payment of the Hearings Officers.

Chair Apisa: Kimo.

Mr. Keawe: So this is exclusive just to these two cases?

Mr. Dahilig: It is exclusive, actually, just to (Item) I.1.

Mr. Keawe: I.1.

Mr. Dahilig: (Item) I.1. is going to the Hearings Officer–

Mr. Keawe: Right.

Mr. Dahilig: –via the Boards and Commissions Office.

Mr. Keawe: Right.

Mr. Dahilig: (Item) I.2. is going to go a Hearings Officer that has already been procured for a previous matter, but because it's the same party, they want to consolidate.

Mr. Keawe: That part I understand. My concern is...so these were unique cases with regard to the Office of Boards and Commissions procuring and appointing a Hearing Officer.

Mr. Dahilig: I wouldn't use the word "unique" in the sense that already...that will be the procedure going forward.

Mr. Keawe: That was my question.

Mr. Dahilig: Yes.

Mr. Keawe: So is this going to be a new procedure going forward?

Mr. Dahilig: The new procedure going forward is that all the requests for delegation to appoint and procure are going to be vested with the Administrator of the Office of Boards and Commissions.

Chair Apisa: Any other questions on this?

Mr. Mahoney: No.

Chair Apisa: Are we ready to have a motion? I think we are going to separate them and take (Item) I.1.–

Mr. Mahoney: Chair, on Item I.1. – Elizabeth and Stephen Rigotti, Hale Hoku – I move to grant authority to the Office of Boards and Commissions and appoint a Hearing Officer on behalf of the Planning Commission for the appeal.

Ms. Nogami Streufert: Second.

Chair Apisa: Okay, we have a motion on the floor. All in favor? (Unanimous voice vote) Any opposed? (None) Motion carried 5:0.

And then (Item) I.2.

Ms. Nogami Streufert: This one is to consolidate the two cases, is that correct, before the same Hearings Officer?

Mr. Dahilig: Maybe just to clarify one more time with the parties in front of the Commission that that is the action that they are requesting.

Mr. Edwards: Yes, that is the action. Actually, I thought it was approved last month.

Chair Apisa: I don't think it was on the agenda last month.

Ms. Higuchi Sayegusa: Not the new matter.

Mr. Edwards: Okay.

Ms. Higuchi Sayegusa: I don't think.

Chair Apisa: So we need to have a motion. Is anyone prepared to make that? Jodi, any help with formulating it?

Ms. Higuchi Sayegusa: Sure. I guess the motion would be to consolidate this matter with the pending matter before Hearing Officer Nadine Ando.

Mr. Keawe: So...go ahead.

Ms. Nogami Streufert: I'm sorry. Because we also have the letter from the Hearings Officer...

Ms. Higuchi Sayegusa: That's for Item (I.)3.

Ms. Nogami Streufert: Right. Does that mean that she will accept this? Because it is adding to her caseload.

Ms. Higuchi Sayegusa: I think we can--

Mr. Keawe: According to Mr. Edwards, they had already agreed to an August 20th hearing. Is that correct, Mr. Edwards? With Nadine Ando.

Mr. Edwards: We stipulated with the County Attorney's Office. We filed that stipulation with the Clerk and with all the folks over here, and we copied Ms. Ando. It is actually part and parcel of that case. I can't imagine that she'd say no, but she needs to be told that it's been assigned to her.

Ms. Higuchi Sayegusa: Right. Okay.

Mr. Dahilig: If we end up with any objections, then we will bring it back to the Commission for--

Ms. Higuchi Sayegusa: We can bring it back, yes.

Mr. Edwards: It's not going to be a problem for us.

Mr. Dahilig: We are talking about for the Hearings Officer. So administratively, if we have anything, we will bring it back to the Commission.

Mr. Salas-Ferguson: Yes, I see it (as) if she can't take it, then it would be forwarded back to the Commission and then forwarded to the Boards and Commissions (Office) for a new hearing.

Mr. Dahilig: We would ask for that authority.

Ms. Nogami Streufert: I move to consolidate the Steven and Eddi Henry, Tax Map Key (4) 49011038, Moloa'a, Kaua'i, Contested Hearing Case No. CC-2018-4 to the original Contested Case that is before the Hearings Officer Nadine Ando; should that not work, then we would approve that the Office of Boards and Commissions would procure and appoint a different Hearings Officer as required.

Mr. Mahoney: Second.

Chair Apisa: We have a motion on the floor. All in favor? (Unanimous voice vote) Any opposed? (None) Motion carried 5:0.

Mr. Dahilig: Thank you, Madame Chair.

Letter (7/13/18) from Nadine Y. Ando, Esq., to respectively withdraw from serving as the appointed Hearings Officer related to *Alexandra Falk* (CC-2017-2; CC-2017-3) and *Patricia McConnell* (CC-2017-4).

Mr. Dahilig: And on that note, Item No. I.3. – this is a letter from Nadine Ando, our Hearings Officer, notifying that she is withdrawing from Contested Cases CC-2017-2, 2017-3, and CC-2017-4. I guess my suggestion, Madame Chair, would be to have these matters referred over to the Boards and Commissions Office for its review and how they want to handle this item.

Mr. Keawe: Oh, I'm sorry. What was the suggestion, Mike? I'm sorry. To–

Mr. Dahilig: To just refer this over to the Boards and Commissions Office.

Mr. Keawe: This specific item?

Mr. Dahilig: Specific item, and have them come back with a request.

Mr. Keawe: All right. I'll move to refer the letter of 7/13/18 from Nadine Ando to the Office of Boards and Commissions and have them determine future action with regard to the letter.

Chair Apisa: So to clarify, yes...

Ms. Higuchi Sayegusa: Just to clarify, the letter is withdrawing from two cases, so really, required is–

Mr. Dahilig: Its three cases.

Ms. Higuchi Sayegusa: Three cases, I'm sorry, three cases. So to refer the three cases to the Office of Boards and Commissions.

Mr. Keawe: Okay, so I will rephrase (inaudible). For the three cases that were previously mentioned.

Chair Apisa: So we are referring the three cases – CC-2017-2, -3, and -4 – to the Boards and Commissions (Office).

Mr. Keawe: Right.

Mr. Mahoney: Second the motion.

Chair Apisa: Is everyone clear on that? All in favor? (Unanimous voice vote) Any opposed? (None) Motion carried 5:0.

Mr. Dahilig: Thank you, Madame Chair.

COMMUNICATION (For Action)

Mr. Dahilig: We are on Item J. This is Communication. We have none for action this morning.

COMMITTEE REPORTS

Subdivision

Mr. Dahilig: Under Item K, this is Committee Reports. We do have a Subdivision Committee Report that's circulated for everybody's review.

Chair Apisa: A motion to approve the Subdivision Committee Report?

Mr. Keawe: Move to approve the Subdivision Committee Report.

Mr. Mahoney: Second.

Chair Apisa: All in favor? (Unanimous voice vote) Any opposed? (None) Motion carried 5:0.

Mr. Dahilig: Thank you, Madame Chair.

UNFINISHED BUSINESS (For Action)

Mr. Dahilig: We are now on Item L. This is Unfinished Business. We have none for action this morning.

NEW BUSINESS

Class IV Zoning Permit Z-IV-2018-9, Use Permit U-2018-8 and Special Permit SP-2018-4 to allow operation of a small engine repair facility on a parcel along the western side of Kawaihau Road in Kapahi, further identified as 5859 Kawaihau Road, Tax Map Key: (4) 4-6-011:061, and affecting a portion of a parcel containing 43,560 sq. ft. = *Spencer Aguiar dba S & S Speed Shop*. [Director's Report received by Commission Clerk 7/10/18.]

Mr. Dahilig: Item M, New Business. We do have two matters given the closure of the agency hearings. This is for action on Item F.2.a., Class IV Zoning Permit Z-IV-2018-9, Use Permit U-2018-8, and Special Permit SP-2018-4 at TMK (4) 4-6-011 Parcel 061.

Madame Chair, Jody Galinato will be providing the report on behalf of the Department.

Staff Planner Jody Galinato: Good morning, Madame Chair and members of the Commission.

Ms. Galinato read the Project Description and Use, Additional Findings, and Preliminary Evaluation sections of the Director's Report for the record (on file with the Planning Department).

Ms. Galinato: I will hold off for the Preliminary Conclusion.

Chair Apisa: Thank you.

Mr. Keawe: I have a question. Jody, so the Zoning, Use, and (Special) Permit applications are basically a remedy for the violation?

Ms. Galinato: Yes, they are.

Mr. Keawe: Okay.

Chair Apisa: Any other questions?

Ms. Nogami Streufert: Yes. It was stated that it was 13 percent of the property that was used for this particular...

Ms. Galinato: The 13 percent also includes any of the paving, too.

Ms. Nogami Streufert: Right.

Ms. Galinato: The building, I believe, if I remember right, is 5,000 square feet.

Ms. Nogami Streufert: Yes.

Ms. Galinato: And that's where all the use is to be conducted.

Ms. Nogami Streufert: And it said that it's 13 percent of the existing 1.011-acre condo unit, leaving most of the land available for agriculture. So is this permit or are these permits for the entire lot or is it just for that particular area where you already have a building?

Ms. Galinato: It is just for the Unit 1 of the CPR and it's just...the use is only for within the building. The parking would be required because of the use, but that's all.

Ms. Nogami Streufert: So the Use Permit is just for that building, it is not for the entire 1.011?

Ms. Galinato: No, it's just for the building. It does go over the land, but the use is to be conducted within the building.

Ms. Nogami Streufert: And the violation was because...I'm sorry, that was not in here – as to what the violation was.

Ms. Galinato: The violation, as I know, was due to a neighbor complaint.

Ms. Nogami Streufert: Which has been mitigated at this point?

Ms. Galinato: With the submittal of this application and the public hearing, yes.

Mr. Dahilig: Madame Chair, I just want to also add to that; that we are able to verify, based on what has been submitted to the Planning Department, that the person making the complaint is stating on the record they do not object to this application.

Chair Apisa: So they just basically wanted him to come to get the permit?

Mr. Dahilig: That, I think, would be a little too far of a (inaudible).

Chair Apisa: Oh, okay.

Mr. Dahilig: But the person that did...

Chair Apisa: They now support it.

Mr. Keawe: But the current action remedies that.

Chair Apisa: Right, got you.

Mr. Keawe: That's the important part.

Chair Apisa: Right, yes. Is there anyone here to...is the applicant present? Would you like to come forward? Thank you.

Ms. Lorna Nishimitsu: Good morning, Commissioners. Spencer Aguiar is to my right. He is the applicant. He is the licensed mechanic who handles the vehicles, equipment, motorcycles that are being repaired, serviced, etc. in the building that we are here before you to get the permits for.

Spencer began with a lease agreement with Kiyoto Miyashiro, who is kind of like an uncle because Spencer grew up across the street from the Miyashiro family. Kiyoto, however, passed away in 2013, so his brother Sueo became the new owner of the property. About a month ago, because Sueo was interested and encouraged that Spencer purchase the property instead of continuing to lease it, Spencer did purchase the property rather than risk loss of the property. It wasn't because he expected that you folks would grant the permits, but it was...he would've had

to cease operations at that point if the lease was terminated on him. So I just wanted to clarify, for the record, he is now the owner of the property.

The relocation from an industrial area to Kapahi was fueled in part by the high cost of leasing industrial property, most of which are far smaller than the needs of people who engage in industrial or commercial uses of this type. It gave him an opportunity to continue to do his business. In the past, he had employees; now he's basically the sole proprietor. He does have his friend Jason Cornelio come in on occasion to help him out, but he is the only one doing the work at the property.

Jody has given you a summary of the improvements, etc., but just for the record, I live within the 300-foot distance for which notice is to be given.

Mr. Dahilig: So did you notice yourself?

Ms. Nishimitsu: No, because I only need to give notice to 85 percent, so of all the people that I found – I tried to do 100 percent. I figured there's no point in mailing myself notice because I already know it is happening. And until about a year ago – about the time Spencer came to me to assist him because he was having difficulty with consultants he had hired in the past to get an application vetted by the Planning Staff because they would say, "no, it's not good, you got to do something else" – I didn't even know he was there. I saw the warehouse when I drove by. I didn't know what was in it. I didn't hear noise. I had no clue. I do hear noise from the industrial area further down Kawaihau Road because there is a mechanic there and before race days I hear the *vroom-vroom*, you know when they are testing their engines, and there is also the heavy engine noise when I think it's young people go zooming up and down Kaehulua Road, blasting their boom boxes. So that's the kind of noise I hear in the neighborhood when I'm at home, and especially at night those noises travel.

The interesting thing is, because I had to send out notice to my neighbors, one of my neighbors called and was talking to me, like, why am I getting this notice? I said, "Oh, you don't have to appear if you don't want to appear." And he goes, "Lorna, is this you?" And I said, "Yes, I'm your neighbor." He says, "Oh, yeah, I take my stuff to Spencer to fix" because he has mowers, weed whackers, and those kind of things, and what we found is that Spencer – because of his location – provides an alternative to people who don't want to haul their equipment, especially if it is like a Bobcat or something, you know; hauling it into Līhu'e or wherever else the existing service providers are who service machinery like he does.

He's basically trying to do the best that he can; wasn't aware when he set up operations that all of this permitting was necessary. I think the impression that a lot of laypeople have is if I can get the permit to build the building, then I can engage in the use because there's a...you know, it's not like this is the kind of lessons that high schools teach as part of civics and how to operate. Nobody has come to him to complain about his operations. If there have been complaints, he only learned about it because the complaint was that he didn't have the necessary permits, so he is before you in an attempt to rectify that.

And the final thing that I would like to say, since I've been rambling on, is that when uses such as Spencer's in areas that are not zoned for that uses are allowed pursuant to a Use or Special Permit, this commission retains the ability to control and regulate the uses to a far greater extent than you have controls when the land is zoned outright for the uses that are occurring. I believe that the Planner has put in sufficient recommendations for...you know, how do we try to ensure that this operation is not going to be a nuisance in the neighborhood? And the conditions are there. In the past eight years, it looks like the official complaint that was made was Spencer was operating without permits, not that he was making unreasonable noise in the neighborhood, not that he was creating other negative conditions in the neighborhood.

He has reviewed the Staff recommendations and proposed (conditions), and there is a recommendation for the paving of that driveway access, which incidentally is fringed by rows of coconut palms, in an attempt at some point to mitigate dust, so he's got to pave it; that's the condition. But the request is that you allow him a period of two years because we just got a quote from an engineer just to do the design and that's between five and seven thousand dollars, so that's just the design part. The second phase of it is going to have to be to get the contractor to do...or to do the work, buy the concrete, etc. and because he recently purchased the property, he's dealing with – maybe you don't care – but he's got the mortgage payments. He wants to do everything to comply, but he needs a reasonable amount of time to get the improvements done that would satisfy the conditions. So the ask is to allow him a period of two years to do the paving.

Chair Apisa: Okay. So basically, he's in agreement...you are in agreement with all the conditions that have been stipulated?

Mr. Spencer Aguiar: Yes, ma'am.

Chair Apisa: Any questions?

Mr. Keawe: Just real quick. So Lorna, should we approve the permit, you are asking that that condition that he pave the seven stalls within a year be extended for another year – two years?

Ms. Nishimitsu: For a period of two years from the date that...if you approve the permit, so the date of approval. And it's not only the parking stalls he has to pave. (Inaudible)

Mr. Keawe: Yes, the other improvements you were talking about. Yes, I understand. Okay.

Chair Apisa: Any other questions? Commissioner Streufert.

Ms. Nogami Streufert: I think there was a typo in this about a visitor center, which is probably not–

Ms. Nishimitsu: From another application. I'm sorry.

Ms. Nogami Streufert: No problem. I just wanted to make sure that I wasn't misreading it.

Ms. Nishimitsu: No, he's not going to do a visitor center for his small engine repair business.

Ms. Nogami Streufert: There is a review in a year.

Mr. Keawe: Right.

Ms. Nogami Streufert: Is that normally what we do here?

Mr. Keawe: I don't recall. I know we've had review periods in different permits.

Chair Apisa: Maybe our Planning Director—

Mr. Keawe: Yes.

Chair Apisa: —could answer that.

Mr. Keawe: Mike, the one-year review period is the question.

Chair Apisa: Is it typical that we review it in a year in this type of a request?

Ms. Nogami Streufert: And that's just for the use, right? It's not for anything else. It's not for the paving.

Mr. Dahilig: You know, I guess in certain circumstances where we do have something that doesn't quite fit the box but, at the same time, we feel comfortable letting it move forward, what we typically (inaudible) — and we've done this in other applications — is we will conduct a one-year review with our department, and if we feel necessary, we will bring it to the Planning Commission if there is an issue. Because a lot of times what we do is we rely on just complaints that come in to provide us a baseline. What we say is that okay, in this particular circumstance, we will take the initiative of actually checking up on this one and seeing if there's issues or things that need to be tweaked. And if there are things, then we will bring it back to the Planning Commission.

I do want to add, Commissioners, that the issue concerning noise and the issue concerning dust is something that we've gotten correspondence from, and I think, if you look at the conditions, we are trying to address those two particular items concerning the noise and the dust.

Again, the permits that are before you are to address a need that we see in an area, geographically, that does not have industrial lands to accommodate this type of use nearby. I will say that one of the findings of the General Plan that is not in the report is that there is actually a deficit of Industrial-zoned space across the island. So it does address, what I would say is, a more immediate need that we are seeing to support the agricultural side of our commercial enterprises across the island. So given that deficit of Industrial-zoned land, both near this area and also just island-wide, it doesn't give us much heartburn that a Special Permit in this manner is being issued to something that we can verify is tied to an agricultural operation.

Mr. Keawe: I...oh, Mr. Ho.

Mr. Ho: Mike, does this permit ever expire? The permits – they run with the land?

Mr. Dahilig: They run with the land. And I think why we are cognizant of...as Jodi and some of the debate previously concerning where is this thing going to be done, if they want to expand the use, they got to come back to us with a permit. If they want to move it, they got to come back to us with a permit amendment. So we believe it is a very narrow, controlled request that we can manage and identify, and it doesn't appear to be, in terms of our minds, incompatible with what are some of the supporting policies in both the General Plan, as well as the purposes under 205 for agricultural lands. And that's part and parcel with all the permits that we issue is that they do run with the land.

Mr. Keawe: I think, Lorna, your summary of how this all came together is very accurate. I think a lot of local folks...they don't really know. I mean, you build (a) building and say okay, fine, I can just do whatever I want to. So I got to commend him for at least trying to do the right thing in moving forward with his business and request. I understand the difficulties of a small business and getting started and that type of thing, but again, we appreciate the effort to come to the Commission and do it the right way without trying to skirt it or not do what needs to be done.

Chair Apisa: And I will just add, there is a need for small engine repair. I mean, I personally know that there is a need.

Ms. Nogami Streufert: So if one were to amend this to say that you have two years to do these improvements, which condition would that be on?

Mr. Dahilig: I guess—

Ms. Galinato: I could...

Ms. Nogami Streufert: Because I don't see any timeline.

Ms. Galinato: Based on our recommendation to approve and the 16 conditions, my recommendation would be to amend Item No. 10 – “[t]he approval is subject to a two-year review period” – and then to add Condition No. 17 that the applicant shall install the paved parking and access within two years of the time of approval of the application, then we can look at everything together.

Ms. Nogami Streufert: But that's a use versus improvements, so do we want to keep them separate so that—?

Ms. Galinato: That would be up to you.

Chair Apisa: It could be combined, I think.

Ms. Nishimitsu: Although it looks like Condition (No.) 16 as proposed could be modified to read, "[t]he Applicant shall submit a Zoning Permit to pave an additional seven (7) parking spaces, parking area, and access into the property and complete the construction within two years of approval of these permits," or something to that effect.

Chair Apisa: Right, yes, rather than adding another...

Ms. Galinato: That's fine.

Chair Apisa: Rather than adding another condition, we just amend that one.

Ms. Nogami Streufert: Because it just keeps it cleaner, I think.

Chair Apisa: Right, it keeps it cleaner.

Mr. Keawe: Yes. Which number is that, Lorna?

Mr. Dahilig: It was (No.) 16.

Mr. Keawe: Sixteen.

Ms. Galinato: So then (No.) 16 would be amended to read, "[t]he Applicant shall submit a Zoning Permit to pave an additional seven (7) parking spaces, parking area, and access into the property and complete construction within two years of the date of approval."

Chair Apisa: Correct. And then there would also be modifying that the review would be in two years and not one year.

Ms. Galinato: On Item (No.) 10, yes.

Ms. Nogami Streufert: That was one year.

Chair Apisa: Oh, I thought—

Ms. Nogami Streufert: No. 10 does not change.

Mr. Dahilig: Why we suggested a change is just to reconcile it with—

Chair Apisa: That they be the same; just so that it all...it's already ongoing and there haven't been issues, so it would just be in two years to make it consolidated; everything is reviewed in two years.

Ms. Nogami Streufert: That's fine.

Mr. Keawe: Okay.

Mr. Mahoney: Okay.

Mr. Ho: Clarification, Madame Chair. Condition (No.) 10 is going to read “in two years”?

Mr. Dahilig: Yes, so it will be a two-year review period instead of one.

Mr. Ho: The review period will be in two years.

Chair Apisa: Right.

Mr. Dahilig: Yes.

Ms. Nogami Streufert: Does that limit your operation in any way? I don’t think we want to limit the operation in any way.

Ms. Nishimitsu: No. Regardless of when you elect to do the review – and I believe the Department can conduct inspections in any event whenever it feels that there is an issue – it shouldn’t affect Spencer’s operation.

Chair Apisa: Yes. It extends it, so it’s more favorable.

Mr. Mahoney: I think we’re good.

Ms. Nogami Streufert: I move that we approve the Class IV Zoning Permit Z-IV-2018-9, Special Permit SP-2018-4, and Use Permit U-2018-8 with the two amendments to Condition No. 10 – approval is subject to a two-year review period – and Condition No. 16, which allows a two-year improvement for the property.

Mr. Mahoney: Second.

Chair Apisa: All right. We have a motion on the floor. All in favor? (Unanimous voice vote) Any opposed? (None) Motion carried 5:0.

Ms. Nishimitsu: Thank you so much.

Chair Apisa: Thank you.

Ms. Nishimitsu: He’s very relieved although his face doesn’t show much.

Mr. Dahilig: Thank you, Madame Chair.

We are now on Item No. F.2.b. for action. This is Class IV Zoning Permit Z-IV-2018-10 and Variance Permit–

Mr. Keawe: Mike, can we take a break? (For) just a little bit.

Mr. Dahilig: Oh, little break.

Mr. Keawe: Yes.

Chair Apisa: Yes, we will take a seven-minute break.

Mr. Dahilig: Got to be 10.

Chair Apisa: Oh, it has to be 10? Okay, 10-minute break.

The Commission recessed this portion of the meeting at 9:53 a.m.

The Commission reconvened this portion of the meeting at 10:09 a.m.

Chair Apisa: Call the meeting back to order.

Class IV Zoning Permit Z-IV-2018-10 and Variance Permit V-2018-3 to deviate from the requirement to provide curbs, gutter, and sidewalks for a subdivision within the Residential (R-4) zoning district, as prescribed by Section 9-2.3(e) of the Kaua'i County Code (1987) as amended, involving a parcel situated on the southern side of Kūhiō Highway in Hanamā'ulu Town, approx. 350 ft. west of the Laukona Street/Kūhiō Highway intersection and immediately adjacent to property identified as 4485 Laukona Street, Tax Map Key: (4) 3-7-006:097, and affecting a total area of 82,880 sq. ft. = Neil B. & Desiree A. Fagarang. [Director's Report received by Commission Clerk 7/10/18.]

Mr. Dahilig: Madame Chair, we are back on record for action on Item F.2.b. This is Class IV Zoning Permit Z-IV-2018-10 and Variance Permit V-2018-3 at Tax Map Key: (4) 3-7-006 Parcel 097 for a total area of 82,880 square feet. Mr. Bukoski will provide the report on behalf of the Department.

Staff Planner Chance Bukoski: Good morning, Madame Chair and Commissioners. Before I begin, I will try and summarize the report and highlight its points.

Mr. Bukoski read the Summary, Project Data, Project Description and Use, Additional Findings, and Preliminary Evaluation sections of the Director's Report for the record (on file with the Planning Department).

Mr. Bukoski: That concludes my staff report, and I will hold off on my conclusion. Thank you.

Chair Apisa: Thank you. Any questions before we call up the applicant? Is the applicant here?

Ms. Maren Arismendez-Herrera: Good morning. Maren Arismendez-Herrera from Esaki Surveying.

Chair Apisa: Good morning. Would you like to present your--

Ms. Arismendez-Herrera: So the owners are going through subdivision, as was stated in the report. One of the conditions in the tentative approval was to provide curbs, gutters, and sidewalks. After careful consideration, the owners decided to request that that condition be waived. We presented that request to the Planning Department, which notified us that the proper way to get that condition waived was to go through Variance, so we submitted the Variance to request that condition be waived from the subdivision.

I do want to note that there are curbs and gutters along the abutting streets, but no sidewalks. The request, also, to waive the sidewalks would be beneficial to expedite the subdivision, and the sidewalks would also be unnecessary since they wouldn't connect to any other sidewalks and it would be only for a small portion of a very long street, so it would really be no benefit to have that small portion of a sidewalk added to that street.

Chair Apisa: Okay, thank you. Any questions for the applicant?

Mr. Ho: Maren, this subdivision itself – if you drove a block radius around it, what would you see in curbs, gutters, and sidewalks? Are there any?

Ms. Arismendez-Herrera: Curbs and gutters.

Mr. Ho: But no sidewalks?

Ms. Arismendez-Herrera: No sidewalks. I believe the sidewalk portions that the report mentioned are...so the street gets split into two by the highway. There is a small sidewalk portion, but it is on the north side of the highway. I don't believe on the south side, where this residence is, that there's no [sic] sidewalks.

Mr. Ho: A question for Chance. How would these people build a sidewalk? They have to dedicate the land?

Mr. Bukoski: Usually within the Subdivision Ordinance, it does state that, in Ordinance No. 946, that curbs, gutters, and sidewalks be created due to any residential density of R-4 and above. With that being said, the way the subdivision is laid out and...when I visited the subdivision, there were no sidewalks whatsoever; also, is very limited space-wise from the road. A lot of the residents there actually utilize the road as parking because the density is so...there's so much people there, or residents there, that a lot of the roads are being used for off-street [sic] parking.

Mr. Keawe: I have a question. Chance, do you know what the original...I guess the original covenants and improvements that went in when this subdivision was approved way back? Do you know? Were the requirements different back then from what they are now?

Mr. Bukoski: Yes. This subdivision was done, also...it was called the Wiliko Homes Tract, Unit II Subdivision. It was approved in 1977; that was the original subdivision.

Mr. Keawe: And in that '77 approval, were there curbs and gutters that were part of the development that was submitted for the plan?

Mr. Bukoski: Just curbs and gutters, no sidewalks.

Mr. Keawe: Okay, so just curbs and gutters, no sidewalks?

Mr. Bukoski: Yes.

Mr. Keawe: So it was never in the plan to begin with?

Mr. Bukoski: Correct.

Mr. Keawe: Okay.

Ms. Nogami Streufert: Is there a future plan to have sidewalks in this area or throughout the entire neighborhood?

Mr. Bukoski: With consideration with the General Plan, I mean, we would love sidewalks, just to have a walkable community, and that would be very beneficial for everyone within that community; however, (in) speaking to Public Works and also our Transportation Planner, it is just unfeasible due to, as I said in the report, a piecemeal type of development of sidewalks rather than creating sidewalks altogether.

Ms. Nogami Streufert: Is there any kind of requirement for a reserve so that, in the future, there can be a sidewalk throughout?

Mr. Bukoski: Unfortunately, there is no requirement for a reserve for just sidewalks. There is a road-widening reserve, but that's totally different.

Mr. Keawe: Realistically...if I may, realistically, if they put that in there, where are you going to park all those cars that are in the area where the sidewalks would go? And there's a lot of them.

Chair Apisa: And it would be out of character when there are no other sidewalks and all of a sudden you have a sidewalk.

Ms. Nogami Streufert: Does this set a precedent for any subdividers?

Mr. Keawe: You mean to...I don't know. What do you think, Mike?

Ms. Nogami Streufert: To waive the—

Mr. Keawe: I mean, to waive the...yes, to waive the requirements.

Ms. Nogami Streufert: —requirement.

Mr. Dahilig: In this circumstance, when I look at what is being subdivided and how it's being subdivided, the lot...it's an unusual lot size. I mean, it's something that, I think, when you look at how it's already set-up, one, the majority of the space is just meant for access.

Second thing is, when I look at it...and, again, I'm not prying into the reasons behind what the request is for this subdivision in the first place, but if we ended up with, let's say, a partition action or something like that, something like these conditions would not even fall into play in the first place. I mean, it looks like what they are trying to do is carve out one of the homes from the rest of the property for whatever business purpose that they need; because the homes are there, they are existing. This isn't a green field type of subdivision where they're planning new roads and planning new types of things. So it doesn't give us much heartburn that someone is going to point to us and say hey, you guys, in this case, didn't require it because there is already an existing subdivision, the surrounding character would not match what the subdivision code now requires, it is a very unusual piece of property, and the way that they are subdividing the lots are, in my mind, meant for more business purposes than for creating actually new housing on it. It is not going to be increasing density, it is not going to be increasing utility, so it is, in my mind, not going to fall into that category of setting a precedent necessarily.

Mr. Keawe: And a good portion of that is in the floodway, right?

Mr. Dahilig: It is earmarked, I guess, as a flood drainage area, essentially.

Mr. Keawe: Yes.

Mr. Dahilig: I don't know what it is draining necessarily, but it is...Dennis and his group – they have engineers in there that are evaluating this and that is being earmarked, as well as the drain.

Chair Apisa: Any other questions? It sounds like we are close to being ready to make a motion.

Mr. Dahilig: Recommendations.

Chair Apisa: Oh, I'm sorry, the recommendations.

Mr. Bukoski: Based on the foregoing evaluation and conclusion, it is hereby recommended that Class IV Zoning Permit Z-IV-2018-10 and Variance Permit V-2018-3 be approved subject to the following conditions.

Madame Chair, would you like me to read out the conditions?

Chair Apisa: Yes, please.

Mr. Bukoski read the six conditions from the Director's Report for the record (on file with the Planning Department).

Chair Apisa: Thank you. Now we are ready.

Mr. Keawe: We ready? I will move to approve Class IV Zoning Permit Z-IV-2018-10 and Variance Permit V-2018-3 to deviate from the requirement to provide curbs, gutters, and sidewalks for a subdivision within the Residential R-4 Zoning District for the property identified

as 4485 Laukona Street, Tax Map Key: (4) 3-7-006:097, and affecting a total area of 82,880 square feet – Neil B. and Desiree Fagarang.

Mr. Mahoney: Second.

Chair Apisa: All in favor? (Unanimous voice vote) Any opposed? (None) Motion carried 5:0.

Ms. Arismendez-Herrera: Thank you.

Chair Apisa: Thank you.

Mr. Dahilig: Thank you, Madame Chair. That is all for Item M, New Business.

ANNOUNCEMENTS

Topics for Future Meetings

The following regularly scheduled Planning Commission meeting will be held at 9:00 a.m., or shortly thereafter at the Līhu‘e Civic Center, Moikeha Building, Meeting Room 2A-2B, 4444 Rice Street, Līhu‘e, Kaua‘i, Hawai‘i 96766 on Tuesday, August 28, 2018.

Mr. Dahilig: Under Item N, Announcements, Topics for Future Meetings, the on-deck sheets have been circulated for the Commission’s review. You will see that we have...in terms of our intake, we are still pretty lean for items before the Commission. If you have any questions, we can answer them as (inaudible) based on the on-deck sheet.

One other announcement I do want to make that is not on here is that the Hawai‘i Congress of Planning Officials was slated for September of this year in Hilo. And, obviously, because of what’s going on with the volcano and as you could tell with our department as emergency operations got into the swing of things, we got pretty much absorbed into the emergency operations, and the same thing is happening with our partner agency with Hawai‘i County. So the four Planning Directors and the Office of Planning kind of reached a determination where we are probably going to forego the Congress of this year and not hold an HCPO, so the next HCPO will actually be in 2019. But in its place, what the American Planning Association-Hawai‘i Chapter is trying to organize is a Directors’ Panel in Honolulu, probably sometime in October or November, and it will be a day-long kind of thing with a couple other items that...couple speeches on things and topics. So in its place, if you guys are willing to want to go to that, we can let you know when that date is and then make those arrangements appropriately. So that will be the HCPO, I guess, “lite”, I guess if you put it that way, sometime in either late October or November.

Mr. Keawe: It is a one day kind of–

Mr. Dahilig: Kind of a one day thing; just get everybody together. I think there are people that do look forward to having the Directors talk about things that are going on in each of the

individual counties; we are certainly willing to participate with that. Michael Yee is actually also...who is the Director for the Big Island, has mentioned that he is willing to at least come in for that. I think, logistically, they just don't have the staff to run an HCPO right now.

Mr. Keawe: Yes.

Chair Apisa: And that would be in Honolulu?

Mr. Dahilig: It would be in Honolulu. So we can definitely let you guys know when that...it will be late October or early November.

Other than that, Madame Chair, there is no meeting that we have scheduled for August 14th based, again, on the load, so we will consolidate those agendas and the next meeting will be on Tuesday, August 28, 2018.

Mr. Ho: One question, Mr. Dahilig.

Chair Apisa: Yes.

Mr. Ho: I guess we have been dragging it on. Is there a Coco Palms update?

Mr. Dahilig: Now that I am back, we can do it on that day.

Mr. Ho: On the...

Chair Apisa: August 28th.

Mr. Ho: August 28th?

Mr. Dahilig: Yes, now that I am back.

Mr. Keawe: You sure now? Mr. Ho and I have been waiting for a while.

Mr. Dahilig: Every time that I've tried to get something on the agenda it turns into a "let's do this." I was in Wainiha yesterday, so—

Ms. Nogami Streufert: How is that coming along?

Mr. Dahilig: It's steady. I think there is a fatigue factor because we are reaching Week 12 now of the disaster, so obviously the people there — the residents that are in there — life is still not normal for them, and things are continuing to shift as the Department of Transportation is going to be adjusting the phasing of their work. So there is going to be a community meeting on Friday at the YMCA Camp Naue for residents that are up there to kind of get an update as to what DOT is doing and how we can adjust to try to help meet some of their needs that, maybe, we are not seeing. So we will be participating in that meeting with the Department of Transportation and the other State agencies that are up there. In the meantime, I think people are in...you know, they are in good spirits. I mean, they are making the most of what they can and they are

adjusting accordingly, but I...as you start reaching these months as they go on, I mean, it starts to get old, so we need to—

Mr. Keawe: Well, a lot of it, I guess from what I hear in the news, is about access and the convoys and times and peoples' work schedules.

Mr. Dahilig: Yes. Every household has issues concerning medical care, school, groceries, mail, the things that just any household will have as part of daily life. So this convoy, obviously, limits their freedom to be able to engage in those things at their pleasure.

Ms. Nogami Streufert: When do you anticipate that that might be more normalized?

Mr. Dahilig: That's a discussion that, I think, DOT is needing to have with the community because you have heavy work that needs to be conducted in order to finish the rest of the work needed to stabilize that road, and the quicker they can get that work done – that is what they are telling us – the quicker they can get the road open to some type of uncontrolled access. They are aiming for this fall. They have stated October as dates that they are trying to work towards, but nothing official has really come down and I think this meeting on Friday will probably give them a little more insight as to how to give some degree of certainty to the community on when...and how long this needs to be going on.

Ms. Higuchi Sayegusa: I think we are still on record.

Mr. Dahilig: Okay.

Ms. Higuchi Sayegusa: We are still on record. We didn't adjourn yet.

Mr. Dahilig: Yes, that's fine. Anyway, back to Coco Palms, we will prepare something on the 28th as kind of a status report. They actually have submitted their annual status, also, so we will circulate that for your guys' review as well.

Mr. Keawe: So that will be new information for all of us.

Mr. Dahilig: Yes, it will be.

Mr. Keawe: It's current status. I think that's...you know...we see things going on as we drive by; just want to know what's going on.

Mr. Dahilig: We will make sure that is part of that agenda.

Ms. Nogami Streufert: Okay.

ADJOURNMENT

Ms. Nogami Streufert: I move to adjourn.


Chair Apisa: Thank you for the update. We have a motion to adjourn.

Mr. Keawe: Second.

Chair Apisa: All in favor? (Unanimous voice vote) Motion carried 5:0. Unanimously approved, the meeting is adjourned.

Chair Apisa adjourned the meeting at 10:31 a.m.

Respectfully submitted by:


Darcie Agaran,
Commission Support Clerk

☒ Approved as circulated ^{September 11, 2018} (~~add date of meeting approval~~)

☐ Approved as amended. See minutes of _____ meeting.